IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 83 OF 2006

Sohail Suleman Shaikh. ...Applicant
V/s
The State of Maharashtra. ...Respondent

Mr.J.B. Kocheta for Applicant.
Ms.S.D. Shinde, APP for the State.

CORAM : V.M. KANADE, J.

DATED : JANUARY 30, 2006

P.C. :-

. The applicant was arrested in connection with an offence punishable under Section 302 read with 34 of the IPC. It is alleged that the applicant alongwith others had assaulted the deceased with scythe and other weapons. One eye witness has seen the incident.

2. It is submitted by the learned Counsel appearing on behalf of the applicant that from the mere correspondence annexed to this petition between the Police Inspector and the Dean of Sassoon Hospital and the Superintendent of Police, it appears that the deceased was identified on the basis of the documents which were found in his possession and therefore, the

statement of the eye witness cannot be relied upon and he appears to be a got up witness. It is further submitted that from the injuries which were found on the deceased which were noticed during the post mortem, these injuries would not have been caused by a scythe and therefore, the medical evidence did not support the evidence given by the said witness. It is not possible to accept this submission. The post mortem notes reveals 34 incised wounds. Eye witness has stated that the applicant had chased the deceased and had continued to assault him even after he fell down. The applicant appears to be a prime accused in this court. This is not a fit case for grant of bail. The application, therefore, is rejected.

3. The trial Court shall not be influenced by any observations made by this Court while rejecting the application for bail.

(V.M. KANADE, J.)